

**IN THE UNITED STATES DISTRICT COURT OF PENNSYLVANIA
EASTERN DISTRICT**

PENNSYLVANIA PUBLIC)	
INTEREST RESEARCH GROUP,)	
)	
)	
Plaintiff,)	CIVIL ACTION NO. 02-2625
)	
)	
TINICUM TOWNSHIP DELAWARE COUNTY)	
SEWAGE AUTHORITY, and)	
TINICUM TOWNSHIP,)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF CONSENT DECREE

The parties hereto, Pennsylvania Public Interest Research Group (“PennPIRG”) and Tinicum Township Delaware County Sewage Authority and Tinicum Township (collectively “Tinicum”), by their counsel, jointly move the Court for the entry of a Consent Decree, and aver in support thereof as follows:

1. PennPIRG commenced this action on May 1, 2002 by filing a Complaint against Tinicum alleging claims pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251, et seq., (the “Clean Water Act”) and the Pennsylvania Clean Streams Law, 35 P.S. § 691.601, et seq.
2. Tinicum filed an Answer to the Complaint, denying the material allegations and asserting affirmative defenses.
3. Following lengthy negotiations, the parties entered into a proposed Consent Order (copy submitted herewith) to settle all claims asserted in this action.

4. In accordance with § 505(c)(3) of the Clean Water Act, 33 U.S.C. § 1365(c)(3), by letter dated April 3, 2003 (copy attached as Exhibit "A"), the parties submitted to the Attorney General of the United States and the Administrator of the United States Environmental Protection Agency a copy of the proposed Consent Order for comments.

5. The Attorney General of the United States and the Administrator of the United States Environmental Protection Agency received the proposed Consent Order on April 11, 2003 (see signed Postal Service Form 3811, copies attached as Exhibit "B").

6. Following the 45-day comment period provided by § 505(c)(3) of the Clean Water Act, the United States Department of Justice submitted comments to the proposed Consent Order by letter dated May 27, 2003 (copy attached as Exhibit "C"). By letter dated May 30, 2003 (copy attached as Exhibit "D"), counsel for PennPIRG responded to the comments of the United States Department of Justice, confirming that the United States has no objection to entry of the proposed Consent Decree provided that counsel for Tinicum provide the United States with a copy of the affidavit to be supplied to the Pennsylvania Department of Environmental Protection pursuant to Section VIII.3. of the proposed Consent Order, certifying that the community environmental project to be completed by Tinicum pursuant to the terms of the proposed Consent Order has been completed.

7. The settlement of this matter in accordance with the terms of the proposed Consent Order is fair and reasonable and in the public interest, and the United States has no objections to the entry of the proposed Consent Order.

WHEREFORE, PennPIRG and Tinicum jointly request that the Court approve the proposed Consent Order in the form submitted herewith.

Lyman C. Welch
Attorney for Plaintiff
Pennsylvania Public Interest Research Group

Neil S. Witkes
Attorney for Defendants
Tinicum Township Delaware County Sewage
Authority and Tinicum Township